

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : **Chapter 13**
JOHN VINCENT COLONA, :
Debtor(s) : **Bky. No. 07-16055ELF**

ORDER

AND NOW, the Debtor having commenced this bankruptcy case by filing a voluntary petition under chapter 13 on October 17, 2007,

AND, on June 10, 2008, on motion of the Debtor, the case having been converted from chapter 13 to chapter 11,

AND, on June 11, 2008, the Debtor having filed an Application requesting that the Court appoint David A. Scholl, Esquire as counsel ("the Application"),

AND, in the Application, the Debtor having requested authority to use monies that are property of the estate to provide Mr. Scholl with a \$7,500.00 retainer for the services to be provided in representing the Debtor in the chapter 11 phase of the bankruptcy case,

AND, the Application having disclosed the retainer request but obscured the fact that the retainer is to be paid from property of the bankruptcy estate,¹

AND, the Court not being satisfied that adequate notice of the terms of the Debtor's proposed retention of Mr. School has been provided to interested parties,

¹In paragraph 4, the Application states that "[p]rior to June 10, 2008, counsel was paid a \$7,500.00 retainer to represent the Debtor in the Chapter 11 phase of this bankruptcy case." From this statement, it is not possible to determine whether the retainer was paid prior to commencement of the bankruptcy case or after commencement of the bankruptcy case and prior to conversion to the case.

It is hereby **ORDERED** that:

1. On or before **August 11, 2008**, the Debtor shall file and serve an Amended Notice of the Application on all interested parties that clearly discloses that if the Application is granted, the retainer to be paid to Mr. Scholl is to be paid from property of the bankruptcy estate.
2. If no Objections to the Application are filed by **August 19, 2008**, the Debtor may file a Certification of No Objection. In such event, the Court will treat the Application as uncontested.



Date: August 1, 2008

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE